

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: by Pltf. 12-8-72

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
KENNETH R. ZACHER, Plaintiff vs. ✓BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NUMBER I-40, NOWATA COUNTY, OKLAHOMA; ✓GLENN C. MOORE, SUPERINTENDENT OF SCHOOLS FOR THE CITY OF NOWATA; ✓JEROME ZUMWALT, FORMER PRINCIPAL OF NOWATA HIGH SCHOOL; ✓LON SHULTS, ✓W. E. MADDUX, ✓GAYLE STRATTON; ✓WAYNE FRY, ✓SAM MILLER, Consitu- ting the Board of Education of said District Defendants		For plaintiff: Don E. Gasaway 1843 E. 15th Tulsa, Oklahoma 74104 (932-4661) Waldo E. Jones 1440 No. Lansing Tulsa, Oklahoma 74106 (582=2349) For defendant: Wm. S. Hall (Glenn Moore) (Jerome Zumwalt) 816 Enterprise Bldg., Tulsa, 74103 (583-7129) Gene L. Mortensen (Bd of Educ.) <i>Peprice Place</i> 300 McFarlin Bldg., Tulsa, (585-9211) (for Shults, Maddux, Stratton, Fry, Miller) Loy R. Davis, 119½ N. Maple, Nowata, Okla 233-2487					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 1-1-73	Clerk	12-8-72	W. Jones	15 00			
		12-14-72	C.D.No.26		15 00		
J.S. 6 mailed 6-1-75	Marshal						
Basis of Action: Civil rights	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-8-72	Complaint filed and summons issued. v	
12-27-72	Application and order granting Defendant Glenn C. Moore 15 days or until 1-12-73 in which to answer filed. (JCS-h)h	
12-27-72	Application and order granting defs. Bd. of Education, Shults, Maddux, Stratton, Fry and Miller, to 1/12/73 to ans. (JCS-Clk) rm	
12-29-72	Marshal's return of service of summons, filed. Served Sam Miller in Nowata on 12/8/72; served Wayne Fry in Tulsa on 12/8/72; served Gayle Stratton in Nowata on 12/8/72; served W. E. Maddux in Nowata on 12/8/72; served Lon Shults in Nowata on 12/19/72; served Jerome Zumwalt in Frederick on 12/14/72; served Glenn C. Moore in Nowata on 12/8/72; served Bd. of Education in Nowata on 12/19/72. (USM \$82.80) rm	
1-3-73	Application for ext. time and order granting Def. Jerome Zumwalt to Jan. 19, 1973 to file answer. (JCS-h)	
1-12-73	Answer of Deft. Glenn C. Moore and Jerome Zumwalt, filed. v	
1-12-73	Independent School District I-40, Lon Shults, W.E. Maddux, Defendant's/answer filed. ds Gayle Stratton, Wayne Fry and Sam Miller.	
1-12-73	Defendants' motion to dismiss, filed. ds (Atty Gene Mortensen says he will file the brief on Monday.) <i>MacLach</i>	
1-15-73	Brief of defs. in support of their motion to dismiss, filed. rm <i>MacLach</i>	
1-17-73	Letter, filed, from Judge Daugherty granting Pltf. 15 days from 1-16-73 to Respond to the Deft.s Motion to Dismiss. (FD-J)v	
1-19-73	Motion of defs. Glenn Moore and Jerome Zumwalt to dismiss, w/brief in support thereof, filed. rm - <i>MacLach</i>	
1-24-73	Letter from J.D. to Pltf dated 1-23-73, stating that Pltf is to respond to Mot to dismiss of Moore & Zumwalt within 15 days (Due 2-7-73) Filed. r Pltf.	
1-30-73	Appl. for enlargement of time with ORDER granting/extension of time of 15 days, or until 2-14-73, within which to file reply to mot. to dismiss, filed. (JCS-CC)v -copies mailed.	
2-7-73	Appl. for enlargement of time, filed by the Pltf. ORDER, as part of the pldg., granting Pltf. 15 days, until 2-22-73, within which to reply to motion to dismiss filed by deft.s Glenn C. Moore and Jerome Zumwalt. (JCS-CC)v	
2-9-73	Ordered by the Court granting Pltf until 2-22-73 in which to respond to defts' Indep. School, Shultz, Maddux, Stratton, Fry & Martin Motion to Dismiss. (FD-J)r	
2-22-73	Pltf's Brief in <u>Response</u> to combined Motions to Dismiss, filed. r <i>MacLach w/ file</i>	
6-18-73	Order filed, overruling defts Motions to Dismiss, filed. (FD-J)r (Copies mailed)	
6-25-73	Case set for Pre-Trials on 7-23-73 at 1:30 P.M. (FD-J)r	
7-11-73	Defs. first interrog. to pltf., filed. rm	

(Continue)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-23-73	Pre-Trial held. Pltf Rep by Don Gasaway and Waldo Jones; Defts rep by Loy David and Gene Mortensen (Bd. of Educ.) and Wm. S. Hall (Moore and Zumwalt) Statements made. The Briefing Points - 1. Jury demand 2. Impartial tribunal 3. afforded Pltf right to appeal 4. Punative damages 5. Mental anguish 6. Bd being proper deft. Pltf to file brief within 15 days (Due 8-7-73) Deft to reply within 15 days thereafter (Due 8-22-73) Pltf to prepare P-T Order. After the Court read the briefs, a decision will be made regarding a Jury Trial.(FD-J)r	
8-7-73	Ordered by the Court that Pltf is granted 5 days from 8-6-73 in which to ans. deft's interrog. (FD-J)r	
8-8-73	Brief of Pltf. Kenneth R. Zacher on First Pretrial Request Order, filed. v	
8-23-73	Answer brief of Deft.s, filed. v <i>Mailed w/ file</i>	
1-8-74	Plaintiff's answers to interrogatories, filed. ds	
3-21-74	<u>PRE-TRIAL ORDER</u> , filed. (FD-J)v	
4-17-74	Order, filed, setting this case on jury docket in accordance w/pltf. request for jury. (FD-J)rm - copies mailed	
4-18-74	Case set for jury trial for 5/15/74 at 9:30 a.m. (FD-J)rm	
5-9-74	MO: Ordered by the Ct. that all parties are directed to file with the Clerk of Ct. requested instructions in this case by Mon., 5/13/74. (FD-J)rm - parties notified by phone	
5-13-74	Requested Instructions of Defts. Glenn C. Moore and Jerome Zumwalt, filed.jj	
5-13-74	Defts. Mtn. to Give Requested Instructions, filed.jj	
5-13-74	Pltf. req. instructions, filed. rm	
5-16-74	Jury trial held 5/15/74 and 5/16/74. All parties pre. & rep. by counsel of record. Rule invoked, jury sworn, witnesses sworn, testimony given, exhibits admitted, parties rest. Defs. mo/judg. of dismissal denied. Pltf. mo/directed verdict overruled. Ct. dismisses as to def. Bd. of Education. Jury retires to deliberate at 3:34 pm, 5/16/74. (6:15 p.m., 5/16/74) Jury returns w/verdict. Verdicts (7) in fav or of pltf. and against each def. in amt. of \$2,143 each, read and filed in open court. Unused verdicts, filed in open ct. Clerk directed not to enter judg. on jury verdict until further order of ct. Jury discharged. (FD-J)rm	
5-16-74	Verdicts (7), filed in open court. rm	
5-16-74	Unused verdicts (7), filed in open court. rm	
5-16-74	Trial exhibits, filed. rm	
6-6-74	Bill of costs, in amt. of \$6893.42, filed by pltf. rm	
6-6-74	Appl. of pltf. to include atty. fees as an item of costs, filed. rm	
6-6-74	Brief of pltf. in support of appl. to include atty fees, filed. rm	
6-10-74	Ltr. of 6/7/74 from FD to def. counsel granting them 15 days to respond to pltf. appl. for atty fee, w/brief if opposed.(FD-J)rm	
6-14-74	Brief of defs. in response to pltf. mo. for attorneys' fees, filed. lm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-17-74	RESPONSE on Behalf of Defts. Glenn C. Moore and Jerome Zumwalt to Pltf.'s Mtn. for Atty's Fees., filed.jj	
6-28-74	REPLY on Behalf of Pltf. to Deft's Response on Mtn. for Atty's fees, filed. lm	
6-28-74	Reply Brief to Deft's. Response on Pltf's Mtn. for Atty's fees, filed. lm	
7-5-74	Defendants' objections to pltf's bill of costs, filed. g	
7-5-74	Brief in Support of defts' objections to bill of costs, filed. g	
7-12-74	Motion for judgment notwithstanding the verdict or in the alternative for a new trial, filed by Lon Shults, W. E. Maddux, Gayle Stratton, Wayne Fry & Sam Miller, Defs.k	
7-12-74	Brief on behalf of Lon Shults, W. E. Maddux, Gayle Stratton, Wayne Fry & Sam Miller, Defs., in support of Motion for Judgment notwithstanding the verdict or in the alternative for a new trial, filed.k	
7-16-74	Response to Defts' Objs. to Pltf's Bill of Costs, filed.jj	
7-19-74	Mtn. of Defts Glenn C. Moore and Jerome Zumwalt for jdmt notwithstanding the verdict or, in the alternative, for a new trial, filed. jj	
7=19-74	Brief on behalf of Defts. Moore and Zumwalt in Support of Mtn for judgment notwithstanding the verdict or, in the alternative, for a new trial, filed.jj	
8-13-74	Ltr., 8/12/74, from FD to all parties, <u>abating</u> pltf's appl. to include atty fee as item of costs; and directing pltf. to respond to defs. motions NOV, or new trial by 9/1/74. (FD-J)rm	
9-3-74	PLTF'S RESPONSE to All Defts' Mtns. for Judgment Notwithstanding Verdict for New Trial, filed.jj	
9-3-74	BRIEF in Support of Pltf's Response to Mtns. for Judgment Notwithstanding Verdict and to Mtns. for New Trial, filed.jj	
9-17-74	Ltrs. from counsel & FD, filed. Def. School Bd. Members granted to 9/23/74 to file brief in reply to brief of pltf. (FD-J)rm	
9-23-74	Reply Brief of Deft. School Board Members, filed.	
9-26-74	MO: Ordered that def. Superintendent and Principal are granted permission to file reply brief to pltf. brief re mo/judg. NOV. (FD-J)rm - ltr written	
9-30-74	Reply brief of defts. Glen C. Moore & Jerome Zumwalt, filed.k FD	
12-23-74	Order, filed and entered, granting defs. motion for new trial and that in view of foregoing, it is unnecessary for the Ct. to treat with the matter of attorney fees. (FD-J)rm copies mailed	
12-23-74	MO: Ordered by the Clerk of the Ct. that the pending bill of costs and objs. thereto are now moot in view of above order sustaining defs. motion for new trial. (JCS-Clk)rm - letter written	
4-7-75	MO: Case is set for jury trial for 6/4/75 at 9:30 a.m.(FD-J)rm-notices md.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-16-75	MO: Ordered by the Court that this case is stricken from jury docket of June 4, 1975, pending notification by parties of settlement. (FD-J)rm - letter	
5-23-75	Stipulation of dismissal with prejudice, filed and entered. rm	Copied by R. H. Hall

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